

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

5 DEREK W. CANTRELL, )  
6 Plaintiff, ) No. CV-07-3047-JPH  
7 v. ) ORDER GRANTING STIPULATION  
8 MICHAEL J. ASTRUE, ) FOR REMAND  
9 Commissioner of Social )  
10 Security, )  
Defendant. )

12 The parties have filed a stipulation for remand of the above  
13 captioned case to the Commissioner for further administrative  
14 proceedings. (Ct. Rec. 24). The parties have filed a recent  
15 consent to proceed before a magistrate judge. (Ct. Rec. 7).

16 After considering the stipulation, **IT IS ORDERED** that the  
17 above-captioned case be remanded for a *de novo* hearing pursuant to  
18 sentence four of 42 U.S.C. § 405(g). Upon remand, the  
19 Administrative Law Judge ("ALJ") will: (1) further develop the  
20 record by updating the medical evidence or ordering a consultative  
21 examination, as necessary; (2) reevaluate Plaintiff's impairments  
22 in accordance with 20 C.F.R. § 416.920, including but not limited  
23 to his diabetes and gastroparesis, to determine whether Plaintiff  
24 has other severe impairments in addition to those previously found  
25 to be severe; (3) reevaluate the medical source opinions in  
26 accordance with 20 C.F.R. § 416.927 and SSR 06-3p, explain the  
27 weight given to the medical source opinions, and provide legally  
28 sufficient reasons if the medical source opinions are given less

1 than full weight; (4) reevaluate Plaintiff's credibility in  
2 accordance with 20 C.F.R. § 416.929 and SSR 96-7p; and  
3 (5) reevaluate Plaintiff's residual functional capacity and  
4 capacity to perform other work, at step five of the sequential  
5 evaluation process, obtaining additional vocational expert  
6 testimony if necessary. Moreover, Plaintiff's subsequent  
7 September 26, 2006 SSI application, currently pending hearing,  
8 will be associated with this claim and a decision will be issued  
9 on the combined claims.

10 Accordingly, this court reverses the Commissioner's decision  
11 under sentence four of 42 U.S.C. § 405(g) with a remand of the  
12 cause to the Commissioner for further proceedings. See, *Melkonyan*  
13 v. *Sullivan*, 501 U.S. 89 (1991).

14 **IT IS FURTHER ORDERED:**

15 1. The parties' Stipulation for Remand (**Ct. Rec. 24**) is  
16 **GRANTED**.

17 2. Judgment shall be entered for the **PLAINTIFF**.

18 3. An application for attorney fees may be filed by  
19 separate motion.

20 4. The District Court Executive is directed to enter this  
21 Order, forward copies to counsel, and thereafter shall **close** this  
22 file.

23 **IT IS SO ORDERED.**

24 **DATED** this 26<sup>th</sup> day of February, 2008.

25 \_\_\_\_\_  
26 *S/James P. Hutton*  
27 JAMES P. HUTTON  
28 UNITED STATES MAGISTRATE JUDGE